

# SIKKIM

## GOVERNMENT



## GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Gangtok

Monday 23<sup>rd</sup> September, 2013

No. 511

GOVERNMENT OF SIKKIM  
HEALTH CARE, HUMAN SERVICES & FAMILY WELFARE DEPARTMENT

NO. 914/HC,HS & FW

Dated: 06.09.2013

### NOTIFICATION

In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948, (8 of 1948) the State Government hereby makes the following rules to carry out the purposes of chapters III, IV and V of the said Act namely:-

### PRELIMINARY

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| <b>Short title, extent and commencement</b> | 1 | (1) These rules may be called the Sikkim Pharmacy Council Rules, 2013.<br>(2) They shall extend to the whole of Sikkim.<br>(3) They shall come into force at once.   |
| <b>Definitions</b>                          | 2 | (1) In these rules, unless the context otherwise requires-<br>(a) "Act" means the Pharmacy Act, 1948;<br>(b) "Council" means the Sikkim Pharmacy Council constituted under section 19 of the Act;<br>(c) "President" means the President of the council elected or nominated under sub-section (1) of section 23 of the Act;<br>(d) "Registrar" means the Registrar of the Council appointed by the council under clause (a) of section 26 of the Act;<br>(e) "Vice President" means the Vice President of the council elected under sub-section (1) of section 23 of the Act;<br>(f) "Treasurer" means the treasurer appointed by the council under clause (a) of section 26 of the Act;<br>(g) "Executive Committee" means the executive committee constituted under sub-section (1) of section 27 of the Act;<br>(h) "Ministrial Staff" means an employee of the Council, other than officer of the Council appointed under clause (b) of section 26 of the Act;<br>(i) "rules" means the rules framed under section 46 of the Act to carry out purposes of chapter III, IV and V of the Act.<br>(2) Words and expressions defined in the Act and used but not defined in these rules, shall have the same meaning as respectively assigned to them in the Act. |
| <b>Manner of election</b>                   | 3 | (1) In the case of first election under clause (a) of section 19 of the Act, Officer shall be nominated by the State Government. In all other subsequent elections under the said section, the President or any other persons authorized by him in this behalf shall be the Returning Officer and such Returning Officer shall some time not less  |

than 42 (forty two) days and not more than 62 (sixty two) days before the days on which the terms of the office of such members will expire and as soon as conveniently may be after the occurrence of any vacancy arising from death or in any manner as set forth in section 25 of the Pharmacy Act issue his precept to the electorate concerned and shall publish in the Official Gazette notice inviting in Form 'A' the submission of the nominations.

- (2) The Council, and in the case of first election under clause (a) of section 19 of the Act the State Government shall appoint and shall notify in the Official Gazette and in such other manner as it thinks fit such suitable date for each of the following, namely:-
  - (a) last nomination day;
  - (b) scrutiny of nomination papers day;
  - (c) the last day for receiving voting papers;
  - (d) the day of counting of votes, and
  - (e) the sending of voting papers under rule 4 (11).

**Procedure for filling up vacancies**

4 The following shall be the procedure adopted for filling up vacancies by the electorates.

- (1) The electoral roll shall be prepared from register by the Registrar and shall contain the name, qualification and address of every person qualified to vote, for the election of the council under clause (a) of section 19 of the Act any person who is qualified for election to the council may be nominated as the candidate for election under clause (a) of section 19 of the Act.
- (2) Copies of the electoral roll shall be made available for sale at a price not exceeding ₹ 1000/- Rupees (one thousand) only to be fixed by the president.
- (3) Candidate qualified for election must be proposed and seconded by persons qualified as electors. The nomination paper should be in Form B. No electoral shall propose or second the nomination of more persons that are required to fill up the vacancy or vacancies to be subscribed by the same elector, all nominations subscribed by him shall be held to be void.
- (4) The candidate shall sign the nomination paper declaring that he is willing to serve the council if elected, failing which the nomination paper shall be rejected.
- (5) Every candidate shall along with the proposal for nomination deposit with the Returning Officer a sum of 500/- Rupees (five hundred) only in cash and he shall not be deemed to be duly nominated unless the said deposit has been made. The deposit shall forfeit to the Council if the candidate favour is less than one eight of the total number of votes recorded. The said deposit shall be returned if it is not forfeited under this sub-rule.
- (6) Every proposal for nomination must be in writing and must be signed by the proposer and the seconder and sent by the post or otherwise, so as to reach the Returning Officer not less than 30 (thirty) days before such date as may be appointed by the council in this behalf.
- (7) On the date fixed for scrutiny of nominations, the Returning Officer shall scrutinize the nomination papers received by him at a place appointed by the President at 12 'o' clocks in the noon. The candidates may attend either in person or by an accredited representative at the time of such scrutiny of nominations and after the expiry of period within which candidature may be withdrawn under sub-rule (8), the Returning Officer shall forthwith declare the names and full particulars of the candidates whose nomination papers are held valid by him.
- (8) Any candidate may withdraw his candidature by notice in writing signed by him and delivered before 12 o' clock in noon on the fifth day from the last nomination day, counting that day as the first day. Such notice shall not be

valid unless it is delivered to the Returning Officer, or sent to him by post or otherwise and received by the Returning Officer, before the time and the date appointed by the President for such purpose.

- (9) In case of any election if the number of candidates duly nominated does not exceed the number required to fill up the vacancy or vacancies, the Returning Officer shall forthwith declare such candidate to be elected.
- (10) If the candidates nominated are more than the candidates necessary to fill up the vacancy or vacancies, the Returning Officer shall forthwith publish their names and addresses in the Official Gazette and otherwise as the council shall deem fit, and shall further cause their names to be entered in voting papers in the form as laid down in Form 'C'.
- (11) Twenty-one days before the date as may be appointed by the Council in this behalf, the Returning Officer shall send by post to each elector one such voting paper bearing the official mark of the Returning Officer and an identification envelope on which a declaration as per Form 'D' is printed and a bigger cover on which are printed on the left top corner the serial alphabetical number and the name and the signature column at the lower left corner and the address of the Returning Officer printed as under:-

"To,

The Returning Officer,  
Pharmacy Council Office,  
Gangtok."

- (12) If the voting paper have been inadvertently spoiled in such manner that they cannot be conveniently used or who has lost his papers, may, on his transmitting to the Returning Officer a declaration to that effect signed by himself require the Returning Officer to send him duplicate papers in place of those not received, spoilt paper shall be returned to the Returning Officer who shall cancel them on receipt. In every case when duplicate papers are issued, a record thereof shall be kept by Returning Officer and mark 'Duplicate' shall be placed on the bigger cover which will bear the same serial alphabetical number as was originally given to the said elector. The voting papers issued in such cases shall also be marked "Duplicate".
- (13) Before the date appointed by the council in this behalf every elector, desirous of recording his vote shall after filling up the declaration form and the voting paper according to the instructions given on the form of voting paper (Form - C) send the same in an outer envelop by Registered Post at the electors own cost to the Returning Officer so as to reach him not later than 4:00 P.M. on the day fixed for the receipt of voting papers. Any envelope received after the prescribed date and hour or by un-registered post shall be rejected.
- (14) The president shall nominate as scrutinizers such number of members of the Council not exceeding 4 (four) as he thinks fit.
- (15) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the President in this behalf. Each candidate or his representatives have a right to be present at the time of counting.
- (16) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidates to whom the largest numbers of votes have been given to be elected and shall forthwith inform the successful candidate by the letter of his being elected to the council. If any candidate thus shown to be elected has withdrawn from the election or refuses to accept election, that one of the remaining candidates to whom the next largest votes has been given shall be held to have been elected in the place of the withdrawing candidate, and so on for as may be remaining candidates as there may be vacancies caused in this way.

- (17) When an equality of votes is found to exist between any candidates, and the addition of the vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer and in such manner as the President or the person authorize by him in his behalf.
- (18) Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of 6 (six) months and thereafter cause them to be destroyed.
- (19) The Returning Officer shall inform the President of the result of the election.
- (20) If any question arises to the intention, construction or application of this rule or the validity of any election the Council shall refer such question under section 24 of the Act to the State Government whose decision shall be final.
- (21) A petition questioning the validity of an election to the Council can be made within 2 (two) months of the declaration of the result of the election and the Council shall refer such petition under section 24 of the Act to the State Government within 3 (three) months of the said date for decision.

#### **Election of President and Vice-President**

5 (1) The President and the Vice-President of the Council shall be elected at the meeting of the Council. While electing the President, the members present shall elect a temporary Chairman by a ballot if necessary which ballot shall be taken by the Registrar. The meeting shall then proceed to the election of the President which shall be by ballot. It shall be competent for any member to nominate by ballot a member for the office of the President and the temporary Chairman shall announce the names of the member so nominated and arrange for a ballot. Every vote which shall be given at such a ballot for a person who has not been nominated shall be wholly void and ineffectual. Should only two persons be nominated the voting the first ballot shall be final except in case of equality of votes. If more than two persons are nominated the candidate obtaining the lowest numbers of votes at the first ballot shall be eliminated until only two remain when the ballot shall be final except in the case of equality of votes:

Provided that if one of the candidates secure more than 50% of the vote cast, he shall be declared as elected. In case of an equality of votes a further ballot shall be taken and if that be indecisive the election shall be decided by drawing a lot.

(2) The President having been elected will take the Chair and the member will proceed to elect a Vice-President the procedure laid down in sub-rule (1) shall be followed except in case of equality of votes, the President shall have a casting vote. Election of a members by the Medical Council of Sikkim under clause (c) of the section 19 of the Act shall be conducted at a meeting of the said Medical Council in accordance with the regulations thereof.

On receipt of official notice of the election of the member the President shall inform the State Government of the same for the publication in the Official Gazette.

#### **Meeting of the Council**

6 (1) Unless the President in the exercise of the discretion shall deem shorter notice expedient in which case such notice shall be sent by telegram or other more expeditious means. In every case the notice shall be sent to each member.

(2) The President, whenever it appears to him unnecessary to convene a meeting may instead of doing so circulate a written proposition with the reasons for such proposition for the observations and votes of the members of the Council.

(3) The Council shall ordinarily meet twice preferably in February and September in a calendar year on such date and place as may be fixed by the President: Provided that the President:-

- (a) may call a special meeting at any time on 15 (fifteen) days notice to deal with any urgent matter requiring the attention of the Council;

- (b) shall call a special meeting on 15 (fifteen) days notice if he received a requisition in writing signed by not less than 10 (ten) members and stating the purposes of the meeting other than that mentioned in clause (b) of sub-rule (12) and being purpose within the scope of the Council's function, for which they desire the meeting to be called.
- (4) The first meeting of the Council held in any calendar year shall be the annual meeting of the Council of that year.
- (5) At the special meeting called by the President in the exercise of his discretion under sub-rule (3) only subject or subjects for the considerations of which the meeting has been called shall be discussed, unless the Council by a resolution agrees to consider such other business.
- (6) Notice of every meeting other than a special meeting called under the provision to clause (a) of sub-rule (3) or under the first provision to clause (b) of sub-rule (12) shall be dispatched by the Registrar to each member of the Council 30 (thirty) days before the date of meeting.
- (7) The Registrar shall issue with the notice of the meeting a preliminary agenda paper showing the business to be brought before the meeting, the terms of all motions to be moved for which notice in writing has previously reached him and the names of the movers.
- (8) A member, who wishes to move any motion not included in the preliminary agenda paper or an amendment to any item so included shall give notice thereof to the Registrar not less than 25 (twenty-five) days before date fixed for the meeting.
- (9) The Registrar shall, not less than 15 (fifteen) days before the date fixed for the meeting, that is, in the case of a special meeting with the notice of the meetings issue a notice with the prior approval of the President.
- (10) A member who wishes to move an amendment to any item included in the complete agenda paper, but not included in the preliminary agenda paper shall give notice thereof to the Secretary not less than 3 (three) days before the date fixed for the meeting.
- (11) The Registrar, if time permits cause a list of all amendments of which notice has been given under clause (a) of sub-rule (3) to be made available for the use of every member;

Provided that the President may, if the Council agrees, allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit of compliance with this rule.

Provided further that nothing in this rule shall operate to prevent the preference by the Executive Committee of any matter to the Council at a meeting following immediately or too soon after the meeting of the Executive Committee to permit the notice required under these rule.

- (12) A motion shall not be admissible;-
  - (a) if the matter to which it relates is not within the scope of the Council's functions;
  - (b) if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within 1 (one) year of the date of the meeting at which it is designed to move:

Provided that such a motion may be admitted at a special meeting of the Council convened for the purpose on the requisition of not less than two-third of the members of Council:

Provided further that nothing in these rules shall operate to prohibit the further discussion of any matter referred to the Council by the State Government in exercise of any of its functions under the Act;

(c) unless it is clearly and precisely expressed and rises substantially one definite issue;

(d) if it contains inferences, ironical expressions or defamatory statement.

- (13) The President shall disallow any motion which in his opinion is inadmissible under sub-rule (1):

Provided that if motion can be rendered admissible by amendment to President may in lieu of disallowing the motion admit in amended form.

- (14) When the President disallows or amends a motion, the Registrar shall inform the member who gave notice of the motion of the order or disallowance or as the case may be, of the form in which the motion has been admitted.

#### **Order of business at the Meeting of the Council**

- 7 (1) Every meeting of the Council shall be presided over by the President or if he is absent, by the Vice-President, if both the President and the Vice-President are absent by a Chairman to be elected by the members from among themselves.
- (2) All references in this part to the President shall be read on referring to the person for the time being presiding over a meeting.
- (3) Eight members of the Council of whom the President may be one present in person shall constitute a quorum:

Provided that, in the case of a meeting adjourned for want of quorum no quorum shall be required.

#### **Quorum of the meeting**

- 8 (1) If, at the time appointed for a meeting a quorum is not present, meeting shall not commence until a quorum is present if a quorum is not present on the expiration of 20 (twenty) minutes from the time appointed for the meeting or during the course of any meeting the meeting shall stand adjourned to such further time and date as the President may appoint.

(2) Every matter to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the President.

#### **Manner of Votes**

- 9 (1) Votes shall be taken by show of hands or by division or by ballot, as the President may direct:

Provided that votes shall be taken by ballot if three members so desire and ask for it:

Provided further that if voting has been show of hands a division shall be taken if a member asks for it.

- (2) The President shall determine the methods of taking votes by division.
- (3) The result of the vote shall be announced by the President and shall not be challenged.
- (4) In the event of an equality of votes the President shall have a second or a casting vote.
- (5) When motions identical in purport stand in the names of two or more members the President shall decide whose motion shall be moved and the other motion or motions shall upon be deemed to be withdrawn.
- (6) Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn.
- (7) When a motion has been seconded it shall be stated from the Chair.

- (8) When a motion has been thus stated, it may be discussed as a question to be resolved either in the affirmative or in negative or any member may subject to rule 10 move an amendment to the motion:

Provided that the President shall not allow an amendment to be moved which if it has been a substantive motion would have been inadmissible under these rules.

**Amendment of the motion**

- 10(1) An amendment must be relevant to and within the scope of the motion to which it is proposed.
- (2) An amendment may not be moved which has merely the presence of negative vote.
- (3) The President may refuse to put an amendment which is in his opinion frivolous.
- (4) A motion may be amended by:-
- (a) the omission, insertion or addition of words or
  - (b) the substitution of words for any of the original words.
- (5) When a motion or amendment is under debate, no proposal with reference thereto shall be made other than:-
- (a) an amendment of the motion as the case may be, as proposed in sub - rule (6) of rule 9;
  - (b) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die;
  - (c) a motion for the closure, namely a motion that the question be now put;
  - (d) a motion that the Council instead of proceeding to deal with the motion to pass to the next item on the programme of business:
- Provided that no such motion or amendment shall be moved so as to interrupt a speech:
- Provided further that no motion of the nature referred to in a clause (b), (c) and (d) shall be moved or seconded by a member who has already spoken on the question then before the meeting:
- Provided also that a motion referred to in clause (c), and (d) above shall be moved without speech.
- (6) It shall be in the discretion of the President to put or refuse to put to the Council a proposal of the nature referred to in clause (b) of sub-rule (4).
- (7) Unless the President is of opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried the substantive motion or amendment under debate shall be put forthwith:

Provided that the President may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put:

Provided further that it shall not interrupt a speech, a proposal to adjourn the Council to a specified date and hour may be made. At any time, but it shall be in the discretion of the President to put or refuse to put such a proposal to Council.

- (8) A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be deemed to be granted, of any member dissent from the granting of leave.
- (9) When a motion has been moved and seconded, member other than the mover and the seconded may speak on the motion in which such orders as the President may direct:

Provided that the person also has seconded the motion of an amendment may with the permission of the President confine himself to seconding the motion or amendment as the case may be and speak thereon at any subsequent stage of the debate.

- (10) During the meeting, the President, may, at any time, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.



(11) The mover of an original motion and if permitted by the President of the mover of any amendment shall be entitled to a right of final except, with the permission of the President for the purposes of making a personal explanation or of putting a question to the member than dressing the Council:

Provided that any member at any stage of the debate may rise to a point of order, but no speech shall be allowed on that point:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

(12) No member shall save with the permission of the President, speak for more than 5 (five) minutes:

Provided that the mover of motion when moving the same may speak for 10 (ten) minutes.

(13) A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made.

(14) Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it may be brought forward by another member with the permission of the President.

(15) A member desiring to make any observations on the matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President.

(16) If any time the President rises, any member speaking shall immediately resume his seat.

(17) No member shall be heard except upon the business before the Council.

(18) When an amendment to any motion is moved and seconded or when two or more amendments are moved and seconded the President shall, before taking the sense of the Council thereon state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(19) An amendment to a motion shall be put to the vote first.

(20) If there be more than one amendment to a motion the President shall decide in what order they shall be taken.

(21) When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion, and put each or any point separately to the vote as he may think fit.

(22) The President, after stating reasons, may at any time, adjourn any meeting to any future day or to any hour or the same day.

(23) Whenever a meeting is adjourned to a future day the Registrar shall if possible send notice of the adjournment to every member who was not present at the meeting.

(24) At a meeting adjourned to a future day any motion standing over from the previous day shall unless the President otherwise direct take precedence of other matter on the agenda.

(25) Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting the President or a member may suggest a change in the order of business on the agenda, if the Council agree such a change shall take place.

(26) No matter which had been on the agenda of the original meeting shall be discussed at an adjourned meeting.

(27) The same quorum shall be necessary for an adjourned meeting as for an ordinary meeting, except in such case as provided for in sub-rule (3) of rule 7.

(28) The President shall decide all points of order which may arise and his decision shall be final.

(29) If any question arises with references to procedure in respect of a matter for which these rules made no provision the President shall decide the same and his decision shall be final.

**Appointment of Member of the Council** 11 (1) A book shall be kept, containing the name of the members of the Council, the Electorates they represent, the date of appointment of each member the term for



which he was appointed and the date of the death or retirement of each member, and such book shall be regularly kept up so as to show the period at which each of the bodies that has power to appoint should proceed to a new appointment, and the same particulars shall be observed with regard to members appointed by the State Government.

(2) 60 (sixty) days before the expiration of the term of any existing appointment the Registrar shall draw the attention of the President and of the appointment Authority to the vacancy that will arise in order that such new appointment may be made to take effect from the date on which the corresponding old appointment will expire.

(3) On the registration, death, insolvency or lapse of appointment of any member of the council under provisions of section 25 of the Act the Registrar shall draw the attention of the President and of the appointment Authority to the vacancy thus caused in order that the same may be filled up.

#### **Meeting of the Council**

12 (1) The proceedings of the meetings of the Council shall be preserved in the form of printed minutes which shall be authenticated after confirmation, by the signature of the President.

(2) A copy of the minutes of each meeting shall be submitted to the President within 15 (fifteen) days of the meeting and attested by him and they shall then be sent to each member within 30 (thirty) days of the meeting.

(3) The minutes of the meeting shall contain such motions and amendments as have been moved and adopted or negative with the names of the mover and the seconded but without any record of observations made by any member at the meeting.

(4) If any objections regarding the correctness of the minutes is received within 30 (thirty) days of dispatch of the minutes by the Registrar, such objections together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised except as to the correctness of the records of the meeting:

Provided that if no objections regarding a decision taken by the Council at a meeting is received within 30 (thirty) days of the dispatch by the Registrar of the minutes of that particular meeting such decision may if expedient be put into effect before the confirmation of the minutes at the next meeting:

Provided further that the President may direct that action be taken on a decision of the Council before the expiry of the period of 30 (thirty) days mentioned above.

(5) The minutes of the Council shall as soon as practicable after their confirmation be made up in sheets and consequently paged for insertion in volume which shall be permanently preserved. A copy of each volume shall be supplied free to each member of the Council.

(6) A report shall be kept of the observations and of the discussion at the meeting of the Council in as accurate a manner as possible for the use of the members of the Council. The detailed proceedings of the meetings which shall be treated as "Confidential" shall be kept in the office and shall be open for members for inspection. A copy of the proceedings in whole or in part shall be supplied to any member who may be apply for it. Such copy shall marked "Confidential" and be supplied on the payment of a sum fixed by the President and not to exceed the cost of copying. No copy of proceedings held in camera shall be supplied, but such proceedings can be inspected by the members.

#### **Power of Vice-President**

13 If the office of the President is vacant or if the President for any reasons is unable to exercise the powers or perform the duties of his office, the Vice-President will act in his place and shall exercise the powers and perform the duties of the President.

#### **Executive Committee**

14 (1) The Executive Committee shall consist of President and Vice-President, Ex-Officio and three members elected by ballot at the first meeting of the

Council and of the three members so elected there shall be at least 2 (two) Registered Pharmacists. The Executive Committee elected shall hold office till the election of the New Executive committee.

(2) The Executive Committee shall meet on such date as may be fixed by the President.

(3) 3 (three) members including President and the Vice-President shall form the quorum for a meeting of the Executive Committee.

(4) Should there occur during the recess any vacancy in the Executive Committee they shall be empowered to fill up such vacancy except in cases where a summon has been issued for a meeting of the Council it self shall elect. If any member of the Executive Committee is absent for more than two consecutive meetings without leave of the Committee, he shall ceased to be a member of the Committee. If the period of leave exceeds one year a vacancy thereby shall be created.

(5) In case of the death of the Registrar or his incapacity from his illness or on leave when the Council is not in session the Executive Committee shall appoint a person to perform temporarily the duties of the Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the principles laid down in the Civil Service Regulations of the State.

(6) The Executive Committee shall keep minutes of their proceedings which shall be dealt with according to the same procedure as that indicated in the Minutes of the Council.

(7) The Executive Committee shall superintend the publication of the Pharmacist Registrar which shall be prepared by the Registrar who shall cause it to be printed after entering there in annually statement of the distribution of the copies of the Registrar to the Officers of the Sikkim Administration as approved by the State Government and the Pharmacy Council of India and to others as may be directed by the Executive Committee.

(8) The Executive Committee shall order each year such number of copies of the Pharmacy Registrar to be printed as may deem necessary.

(9) The Executive Committee shall consider and prepare report upon any subjects that may seem to require the attention of the Council and such reports shall be printed and circulated among the members of the Council 10 (ten) days at least before the meeting of the Council.

(10) The Executive Committee shall, before each meeting of the Council prepares the business for the consideration of the Council.

(11) The printing of the volumes of minutes shall be under the direction of Executive Committee.

(12) All petitions presented to the Council shall be referred to the Executive Committee to be examined and reported upon before being considered by the Council.

(13) Subject to the provisions of the proceeding rules, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid down on the table.

(14) The Executive Committee shall prepare reports on such subjects as may be indicated to them by the Council at its sittings or by the President at other times. The reports when finally approved by the Committee shall be presented to the Council.

#### **Constitution of Sub-Committee**

15 The Council may constitute sub-committees and may appoint to such sub-committees, persons who are not members of the Council to report upon any matters, which it may deem necessary to refer to them.

#### **Registration of Pharmacist**

16 (1) The Register of Pharmacists shall be maintained as required under subsection (3) of the section 29 of the Pharmacy Act, 1948 and in Form 'E'.

(2) The names shall be entered in the Register in the order in which applications for Registration admitted and sufficient space shall be left for future additions and alternation in the qualifications and address of each entry.

(3) Each page of the Register shall be verified by the Registrar's Signature.

#### **Grant of Certificate**

17 (1) On registration of every Pharmacist under the Act, the Registrar shall grant such Pharmacists a certificate in Form F.

(2) In the event of a certificate issued under sub-rule (1) being lost or accidentally destroyed the holder may at any time during which such certificate is in force apply to the Registrar under section 39 of the Pharmacy Act for a fresh certificate and the Registrar may if he thinks fit on satisfactory proof as to the identity of the applicant grant such certificate on payment of a fee of 1000/- Certificate issued under this sub-rule shall be marked "DUPLICATE".

#### **Application Registration**

for 18 (1) Every person entitled under section 32 to be Registered under the Act and desiring to have himself Registered shall apply to the Registrar in Form G duly filled in and signed. Every such application shall be accompanied by the fee prescribed in rule 20. The qualifying Examination held by the Registrar of Sikkim Pharmacy Council shall be deemed equivalent to the matriculation for the purpose of provision to sub-section (1) of section 32 of the Act".

(2) The name of every person registered under the Act shall subject to the provisions contained in the Act as to the erasure of the entries and removal of names from the Register remain entered therein and the registration of such person shall hold good till the 31<sup>st</sup> of December of the year in which registration is made.

(3) Any person desiring to continue his registration shall submit to the Registrar an application previous to 1<sup>st</sup> of April of the year to which it relates and shall forward with such application the fee prescribed in that behalf in rule 20.

(4) The Registrar may send to any Pharmacist who has not paid his renewal fees on the 1<sup>st</sup> day of January in the year in respect of which such fee is payable, a demand for payment thereof, which demand shall be by a letter sent by post addressed to the Pharmacist at his address in the register.

(5) When a renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the Register:

Provided that a name so removed may be restored to the Register as per section 37 of the Act on payment of fees and penalty as prescribed in rule 20.

(6) An application for registration of an additional qualification under section 35 of the Act shall be in Form H and shall accompanied by the fee prescribed in this behalf in Rule 20.

(7) On Registration of Additional qualification under sub-rule (6) the Registrar shall grant such Pharmacist a certificate in Form I.

(8) Any appeal to the Council against refusal of the Registrar to register in the case of first registration or alter any entry in the register must state the grounds on which registration is claimed and furnish the names of the qualifications and the dates on which they were received. On receipt of such appeal the Executive Committee shall conduct an enquiry and submit a report to the Council.

(9) Certified copies of entries in the Register in Form J may be issued to any one on payment of a fee as per rule 20.

(10) A fee as per rule 20 shall be levied for registering a change of name in the Pharmacist Register.

(11) The Council may erase from the Register the name of any person who;

(a) has requested that his name be removed from the register in which case such person may be required to file a declaration that no disciplinary or criminal proceedings are being or likely to be taken against him;

(b) has failed within a period to be determined by the Council to furnish to the Registrar with such information as to the Council may require.

(12) The Council may erase from Register the name of any person whose name before or after the commencement of the Council has been removed from the roll,

register or record of any University Hospital, Society or other body from which that person received the degree Diploma or Certificate in respect of the holding where of he was registered and any registration certificate issued to such person shall be deemed to be cancelled as from the date of such erasure.

(13) The Registration shall bring such application before the next meeting of the Council or Executive Committee who will consider the application and any objections thereto and the President may put from the Chair questions:

Whether the Registrar shall erase the name (the applicant's name) from the Pharmacy Register.

#### **Record of Registration**

19 (1) The Registrar shall as soon as may be after 1<sup>st</sup> day of April in each year cause to be printed copies of the Register as they stood on the said date and such copies shall be made available to persons applying therefore on payment of the prescribed fee and shall be evidence that on the said date the persons whose names are entered therein were registered Pharmacists. The Registrar shall keep as a true copy of such print list, wherein he shall make during the year any entry alteration or erasure that as may be necessary.

(2) It shall be the duty of every registered person who change his address to intimate the fact to the Registrar with 1 (one) month of such change.

(3) Every District Registrar of deaths who receives a death notice showing that the deceased belonged to profession or calling the members of which are registerable under the Pharmacy Act shall forthwith notify the Registrar of the Council of such death.

(4) There shall be made every year and entered in the printed Pharmacy Register an enumeration of:-

- (a) the total number of persons in the published Register;
- (b) the number restored to the Register;
- (c) the number erased from the Register stating the section of the Act under which the name has been erased and;
- (d) the number removed by death.

#### **Payment of fees**

20 The fees payable for registration for every qualification or status subsequently registered for restoration to register for amount retention for certificate copy for duplicate copy etc shall be as specified below, namely;

For the registration in the Register	1000/-
For every qualification or status subsequently registered	1000/-
For restoration to the Register after removal for non-payment of annual retention fee in addition to retention fee for the year or year during which the name remained removed	1000/-
For annual retentions	1000/-
For restoration to the Register under Section 37 of the Act	3000/-
For registration of change of name	1000/-
For every certified copy of any entry in register	500/-
For a "Duplicate" certificate under rules 17	1500/-

together with stamp duty leviable under the Indian Stamp Act 1899 or any other law for the time being in force relating to the levy of the stamp duty.

#### **Penal removal from the Pharmacy Register**

21 (1) Every person registered under the Act who has been found after inquiry by the Executive Committee to have been guilty of improper conduct which when regard is had to such persons profession or calling is improper shall be liable to one of the following penalties, namely:-

- (a) caution or reprimand and caution;
- (b) suspension for a specified period from practicing or performing acts pertaining to Pharmacy.

(2) If at any time it is made to appear by affidavit that a person registered under this Act has become mentally or physically disable to the extent that the practicing of such person is contrary the facts submitted and may order the suspension of such person for a specified period from carrying on his profession or practice of Pharmacy.

(3) Whenever information reaches the office of the Council that a Pharmacist has been convicted of a cognizable offence or has been under the censure of any Judicial of other competent authority in relation to his professional character or has been guilty conduct which prima-facie constitute infamous condition in a professional respect the Registrar shall make an abstract information and shall submit the same to the President.

(4) Where the information in question is in the nature of a complaint by a person or body charging the Pharmacist with infamous conduct in professional respect such complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaints and shall be accompanied by one or more declarations as to the facts of the case.

(5) Every declaration must state the description and true place of abode of the declarant and where a fact stated in an declaration is not within the personal knowledge of the declarant the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated. Declarations and parts of declarations which are made in contravention of these rule will not be accepted as evidence.

(6) The abstract and where a complaint has been lodged, the complaint and all other documents bearing on the case shall be submitted by the Registrar to the President who shall if he thinks fit instruct the Registrar to ask the Pharmacist by means of registered letter for any explanation he may have to offer the documents including any explanation forwarded by the Pharmacists to the Registrar shall then be referred to the Executive Committee who shall consider the same and shall have power to cause further investigation be made any further evidence to be taken and to refer if necessary to a solicitor of his advice and assistance and to instruct to take the opinion of the Council and otherwise to obtain advice and assistance as they shall think fit. If the Committee are of the opinion that prima-facie case is not made out, the case shall not proceed further and the Registrar shall inform the complainant of the resolution of the Committee. If the Committee are of the opinion that the circumstances suggest that a letter of warning be sent, the Committee are empowered to send it. If the Committee resolve that the case is one in which any enquiry ought to be held the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Executive Committee.

(7) An inquiry with a view to the removal of name from the Register under section 36 shall be instituted by the issue of a notice in writing on behalf of the Executive Committee by the Registrar addressed to the Pharmacist. Such notice shall specify the nature particulars of the charge and will inform him of the on which the day on which the Executive Committee intend to on such day. The notice shall be in Form K with such variations as circumstances may require and shall be sent three week before the date of enquiry.

(8) In every case in which the Executive Committee resolve that an enquiry shall be instituted and a notice for an enquiry is issued accordingly either party shall for the purposes of his defence of reply as the case may be and upon request in writing for that purpose signed by himself or his solicitors be entitled to be supplied by the Registrar with a copy of any declaration explanation or answer or other document give or send to the Executive Committee by or on behalf of the other party which such other party will be entitled on proper proof to use as the hearing as evidence in support of or in answer to the charge specified in the notice of enquiry and every notice of inquiry shall draw the particular attention of the Pharmacist to this rule.

(9) Any answer, evidence or statement forwarded or application made by the Pharmacist between the date or the issue of the notice and the day named for the hearing of the charge shall deal with by the President in such manner and under such legal advice as may be deemed fit and proper.

(10) All material documents which are to be laid before the Executive Committee as evidence in regard to the case shall be printed and a copy shall be furnished to each of the Council before the hearing of the case.

(11) At the hearing of the case by the Executive Committee, their solicitor may be present to advise as to the conduct of the case and a Counsel employed by them may act as judicial assessor. The complainant and also the Pharmacist may be represented or assisted by a solicitor with or without a Counsel.

(12) Where a complainant appears personally or a Counsel or Solicitor the following will be the order of procedure:-

- (a) The Registrar shall read to the Executive Committee the notice of the enquiry addressed to the Pharmacist;
- (b) The complainant shall then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case shall be closed.
- (c) At the conclusion of the Pharmacist's case the Executive Committee will, if the Pharmacist has produced evidence hearing the complainant in reply on the case generally but will hear no further evidence except in a special case in which the Executive Committee may think fit to produce such further evidence. If the Pharmacist produces no evidence the complainant will not be heard in reply except by special leave of the Executive Committee.
- (d) Where a witness is produced by any party before the Executive Committee he will be first examined by the party and then re-examined by the party producing him. The Executive Committee reserves to itself the right to decline to admit in evidence any declaration where the declarant is not present or declines to submit to cross examination.
- (e) The Pharmacist will then be invited to state his case by himself or by his legal representative and to produce his proofs in support of it. He may address the Executive Committee either before or at the conclusion of his proofs but only once.
- (f) The President and the Judicial Assessor when present may put question to any witness and members of the Executive Committee through the President, may also put question to and witness.

(13) Where there is no complaint or no complainant appears the following will be the order of procedure, namely:-

- (a) The Registrar will read to the Executive Committee the notice or inquiry addressed to the Pharmacist and shall state the facts of the case and produce before the Executive Committee the evidence by which it is supported.
- (b) The Pharmacist will then be invited to state his case by himself or by his legal representatives and to produce his proofs in support of it. He may address the Executive Committee either before or the conclusion of his proofs but only once.
- (c) The Solicitor to the Executive Committee may be heard in reply if the Executive Committee so desires.

(14) Upon the conclusion of the case, the Executive Committee will deliberate there on in private and at the conclusion of the deliberation, the President shall for the purpose of summing up result of the deliberations, call upon the Executive Committee to vote on such of the following resolutions to be put from the chair as may be applicable to the circumstances of the case:-

- (a) in the case of a Pharmacist who has been convicted of cognizable offence as defined in the Code of Criminal inquiry;

- (b) in the case of a Pharmacist charged with infamous conduct in a professional respect:
  - (i) "That the Executive Committee do now proceed to decide the facts alleged against the Pharmacist in the notice or inquiry have been proved or have not been proved."

If this resolution is not carried the further hearing of the case shall stand adjourned till the next or some other future session of the Executive Committee as the Executive Committee shall direct and the hearing thereof will be taken at such next future session as an adjourned case.

If this resolution is carried, the Executive Committee shall be called upon the President to vote on the following resolution to be put from the chair.

- (ii) "That the fact or the following facts (Specifying them) alleged against the Pharmacist in the notice of inquiry have been proved to the satisfaction of the Executive Committee. If this resolution is carried the Executive Committee may either proceed to judge whether on the facts proved the accused Pharmacist has been guilty of infamous conduct in professional respect and to direct the Registrar to erase his name from the Pharmacist's Register or may postpone its judgment adjourn the case until the next or some other future session.
- (c) In the case of a Pharmacist convicted of a felony (or misdemeanour) or crime or offence) or charged with infamous conduct in a professional respect for the purpose of deciding whether or not the judgement of the Executive Committee of the conviction (or facts) proved shall be postponed and the Executive Committee shall be called upon by the President to vote on the following resolution to be put from the chair:
  - (i) "That the Executive Committee do now proceed to pronounce their judgement on the conviction) (or facts proved against the Pharmacist.

if this Resolution is not carried the judgement of the Executive Committee will stand postponed till the next or some other future session of the Executive Committee as the Executive Committee shall direct and the case shall be taken at such next or other future session as a case in which judgment has been postponed;

If this resolution is carried, the Executive Committee shall proceed at once to pronounce its judgement on the case and shall be called upon by the President to vote upon the following Resolution to be put from the Chair;

In the case of conviction;-

- (ii) "That the Pharmacist have been proved to have been convicted of the felony (or misdemeanour or crime or offence) alleged against him in the notice or inquiry the Registrar be direct to erase his name from the Pharmacist "Register".

In case of Pharmacist charged with infamous conduct in a professional respect:

- (iii) "That the Executive Committee do now judge the Pharmacist to have been guilty of infamous conduct in a professional respect and to direct the Registrar to erase from the Pharmacist Register the name of the Pharmacist."

If the resolution (d) and (e) as the case may be is not carried the President may announce the judgement of the Executive Committee in the form.

"That the Executive Committee do not see fit to direct the Registrar to erase from the Pharmacist Register the name of the Pharmacist."



- d) In the event of an adjournment of the hearing or a post day fixed for the further consideration and shall request the attendance of the Pharmacist on that day before the Executive Committee, and the complainant and the Pharmacist shall each be requested to furnish to the Registrar in writing not less than 15 (fifteen) days before the day so fixed, a statement in writing of any further facts or evidence which he may desire to be laid before the Executive Committee.
  - (e) The notice shall be given so as to allow at least 28 (twenty-eight) days before the day on which the notice is given and the day appointed for the further consideration. No further facts or evidence presented by a party to the inquiry shall be received or considered by the Executive Committee unless a statement thereof has been previously furnished to the Registrar in compliance with these rule.
- (15) (a) On the case coming before the Executive Committee for further consideration the solicitor if President or the Registrar when the Solicitor is not present shall if necessary state the facts and explain the position of the case to the Executive Committee.
- b) The Pharmacist shall then be invited to address the Executive Committee either personally or by his legal representative of which he may duly give notice to the Registrar and the complainant (if any) shall then be invited to address the Executive Committee either personally or by Legal Representative and lay before the Executive Committee any further evidence of which he shall have duly given such notice.
  - (c) At the conclusion of further hearing, the Executive Committee shall deliberate on the case in private and at the conclusion of the deliberation the President shall call upon the Executive Committee to vote in an adjourned case on the same resolution as at the original hearing and in a case in which judgement was postponed on Resolution under clause (a) (b) and (c) of sub- rule (14) of rule 21 as the case may be.
- (16) If under the direction of the Executive Committee all the qualifications of any Pharmacist have been erased from the Pharmacist Register then the Executive Committee shall, if it think fit, by formal resolution put by the President from the chair direct the Registrar to remove the name of such Pharmacist from the Pharmacy Register.
- (17) An order by the Executive Committee to remove the name of a Registered Pharmacist under the provision of sub-section (1) of section 21 should be subject to confirmation by the Sikkim Pharmacy Council under sub-section (3) of section 21 and shall not effect until the expiry of 3 (three) months from the date of such confirmation.
- (18) (a) The Registrar shall upon the removal of any name from the Register pursuant to the provisions of the proceedings clause or of section 36 of the Act, forthwith send notice of such removal to the Pharmacist and such notice be sent by a Registered letter addressed to the last known address or to the Registered address of the Pharmacist. The Registrar shall also send forthwith intimation of any such removal to the Licensing Authority in Sikkim under the Drugs & Cosmetics Act 1940 and also to the Death of Secretary or other proper office of any Body.
- (b) A person whose name has been removed from the register under the provisions of these rules shall forthwith surrender his certificate of registration to the Registrar and then names so removed shall be published in Official Gazette.
- (19) The Registrar shall within 1 (one) month after any names have been removed from the Pharmacy Register by order of the Executive Committee under section 36 of the Act send to the bodies concerned a list of all such names and shall call the attention of each licensing body to the following rule of the Executive Committee.

"The Executive Committee recommends that no person whose name has been once removed from and has not been restored to the Pharmacy register shall without previous reference to the Executive Committee be admitted to examination for any new qualification which is registrable in the Pharmacist Register".

**Restoration of name  
to the Pharmacist  
Register**

22 (1) Application for restoration to the Pharmacy register of a name removed under section 36 of the Act shall be entertained at the next session of the Council only.

(2) The Executive Committee may on application received from a person whose name has been erased from the register under Section 34 direct the Registrar, if it thinks fit, to re-enter the name in the register.

(3) No application for the re-entry of a name erased from the Register under section 34 shall be entertained unless it is accompanied by an application from the applicant in Form L and supported by the following documents:-

- (a) Applicant's Diploma
- (b) Certificate of Registration in original.

(4) A person whose name has been removed from the register by the direction of the Council under Section 36 but who still possess a qualification entitling him to be registered under the Act, may make an application to the Council for the re-entry of his name in the register and the following procedure shall be followed in the case of every such application, namely:-

- (a) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.
- (b) The application shall be accompanied by:-
  - (i) a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered and,
  - (ii) by one of the following documents:-
    - (I) applicant's diploma;
    - (II) his certificate of registration in original if the same has not been already returned by him.

(3) The statement in the application shall also be verified by certificates in writing to be given by two Pharmacists registered under the Act who are residents in the neighbourhood of the place where the applicant has been testified to his present good character.

(4) Before the application is considered by the Council the Registrar shall notify the same to the Licensing bodies whose qualifications were held by the applicant at the time his name was removed and shall further by letter addressed to the person or body (if any) on whose complaint the application's name was removed, give notice of the application and of the time when the Council intends to consider the same.

(5) The Council shall consider the application and may if it thinks fit, adjourn the consideration of it to a future date or require evidence or explanation from the applicant.

(6) The application and the certificates referred to in sub-rules (3) shall be in forms M, N and O in the Appendix with such variations as circumstances may require. Printed forms shall be kept by the Registrar who shall supply them to intending applicant.

**Registrar, Clerks  
and Office hours**

23 (1) The qualifications and the scale of pay for the post of the Registrar shall be fixed by the Council with the previous approval of the State Government in respect of grant of leave and traveling and other allowances to the Registrar and Council shall generally be guided by principles laid down in the Civil Services Rules of the State Government.

(2) The post of the Registrar shall be of permanent in nature. In the case of new appointment there shall be probationary period of one year. The Registrar shall be a full time or a part time Officer of the Council, as may be decided by the State Government.

(3) The Registrar shall keep his register in accordance with the provisions of the Act, the rules and regulation of the Council.

(4) The Registrar shall be present at every meeting of the Council of the Executive Committee and shall take minutes of the proceedings at such meetings.

(5) The Registrar as Secretary shall conduct and have charge of the correspondence of the Council and shall issue all requisite notice in the manner required under these rules.

(6) The Registrar shall fulfill all the duties that may be required of him by the rules and regulations of the Council.

(7) Except in public holidays, the office of the Registrar shall be kept open during the working days observed by the State Administration. The Registrar shall not be absent from duties unless specific permission from the President is obtained.

(8) The Registrar shall be authorized to obtain whatever temporary additional assistance that may be required for the working of the council subject to the sanction of the President.

(9) The Registrar shall have the general control over the management of the Office, authority and over the clerks and servants and have superintendence of the building.

(10) The Registrar shall assign duties of the clerks under the direction of Executive Committee.

(11) The clerks and peon shall attend the office on all working days observed by the State Government and at as and when necessary but shall not be absent from the duties unless specific permission from the Registrar is obtained. They shall be entitled to leave in accordance with the State Government Services Rules.

#### **Corporate seal**

24 (1) The Corporate Seal shall be kept in a box having two different locks and the key of one of these locks shall be in the custody of the President and the key of the other lock in the custody of the Registrar.

(2) The seal shall be affixed only by order of the Council or when the Council is not sitting, by order of the Executive Committee but its use by such Committee shall be limited to such acts as may be necessary to carry into effect the powers delegated to it by the Council.

(3) If any other desires for affixing the seal shall state the object of its use, and shall be entered in the minutes of the Council or of the Executive Committee as the case may be.

#### **Inspection of documents**

25 The following shall be the conditions on which leave is granted to members of the Council to inspect the documents of the Council when not required for use by its legal advisers:-

(1) A notice in writing of 3 (three) clear days shall be given to the Registrar, except when the Council is in session when special leave may be granted.

(2) The subject of the documents needed for inspection shall be stated.

(3) The Registrar shall be held responsible for the safe custody of all documents.

(4) It shall be an instruction to the Registrar to have updated documents.

(5) All such documents and the information derived there from shall be regarded as strictly confidential.

#### **Accountants**

26 (1) The Council is authorized to receive for the purpose of its expenses, benefaction and contributions from private persons and bodies and the proceeds of the sale of reports and other publications.

(2) An account shall be opened in the State Bank of India, Sikkim in the name of the Council and all the money of the Council shall be deposited in the said Bank subject to the reservation mentioned in sub-rule (8).

(3) The Registrar, if appointed as a treasurer under sub-section (1) of section 26 of the Act, shall receive all money payable to the Council. He shall not retain in his

hand a sum of more than 1000/- the balance being lodged in the Bank to the credit of the Council.

(4) The Registrar, as the Treasurer, shall superintend the details of income and expenditure of the Sikkim Pharmacy Council and shall at each ordinary meeting at the Executive Committee submit a Financial Statement showing the transactions of the Council for the month previous to one in which the meeting is held. This statement shall if possible be sent out with the notice calling the meeting.

(5) The Registrar shall in the month of July in each year prepare a statement of income and expenditure of the proceeding financial year ending 31<sup>st</sup> March and draw the attention of the Council to such matters as seen deserving of notice.

(6) The annual account shall be made up by the Registrar under the direction of the Executive Committee.

(7) In the month of September, each year an estimate of the revenue and of the expenditure of the Council for the commencing on 1<sup>st</sup> April next ensuing shall be laid before the Council.

(8) Such estimate shall make provisions for the fulfillment of the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side, besides all revenues, expenditure anticipated and all fees received from Registration and other sources and the amount expected from State Government by way of grant.

(9) The Council shall consider the estimate so submitted to it and shall sanction, to same either unaltered or subject to such alterations as shall be deemed fit.

(10) The Council may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Council, in the same either unaltered or subject to such alterations as shall be deemed fit.

(11) A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding 1000/- and the bill is in order, he shall pay it. If the claim is for a sum exceeding 1000/- and the bill is in order, payment shall be made after it is sanctioned by the President.

(12) The Registrar shall immediately bring into account in the General cash book all moneys received or sent by the Council.

(13) All cheque in the Bank be signed by the President or his nominee and the Registrar.

**APPENDIX**

**FORM - A**

(See rule 3)

**NOTICE OF ELECTION**

Election of a member of the State Pharmacy Council of Sikkim.

Notice is hereby given pursuant to the provisions of rules 3 if the rules and Regulations of the State Pharmacy Council of Sikkim that the election of .....members of the State Pharmacy Council of Sikkim to serve during the period expiring.....day of.....is about to be held.

Nominations of eligible persons to fill the vacancy are invited.

Each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may sign the nomination paper of any member of candidates not exceeding the member to be elected and for which he is entitled to vote.

Every nomination paper must be in the Form B prescribed under sub-rule (3) of rule 4 giving all the details required therein.

The nomination paper must reach the under signed not later than.....day of.....from whom forms of nomination papers may be obtained in application.

Nomination papers in respect of which provisions of part-I of the rules have not been complied with or which are not received by the Returning Officer by the aforesaid date will be invalid.

Address\_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Returning Officer

**FORM - B**

(See sub-rule (3) of rule 4)

**FORM OF NOMINATION PAPER**

Election of member or members of the Sikkim Pharmacy Council.

I, the undersigned being a registered, Pharmacist hereby nominate (a) \_\_\_\_\_ registered as a Pharmacist his registered number being (b) \_\_\_\_\_ as a candidate for election as a member of the State Pharmacy Council at the forth coming election.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Registration No. \_\_\_\_\_

Dated \_\_\_\_\_

We the undersigned second the proposal of

Shri \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Registration No. \_\_\_\_\_

Dated \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Registration No. \_\_\_\_\_

Dated \_\_\_\_\_

I the undersigned hereby consent to accept nomination as a candidate for election to the Sikkim State/ Pharmacy Council.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Registration No. \_\_\_\_\_

Date \_\_\_\_\_

(a). State name and full address.

(b). State Registered Number.

**FORM – C**

sub-rule (10) of rule 4

**FORM OF VOTING PAPER**

Election of member or members of the State Pharmacy Council of Sikkim.

Official Mark of the Returning Officer		Election of (a) Member	
Column for Voter's mark	Name of Candidate (b)	Address	Registration Number

- (a) Number of candidates to be elected.
- (b) Names to be printed in Alphabetical order.

**INSTRUCTIONS**

- (1) Each elector has \_\_\_\_\_ votes.
- (2) He shall vote by placing the mark (X) opposite the name of the candidate whom he prefers.
- (3) The voting papers shall be invalid if the marks (X) is placed opposite the names of more than \_\_\_\_\_ candidates or if the marks are so placed as to render it doubtful to which candidates they are intended to apply.
- (4) The elector shall enclose the voting paper in the identification cover and then enclose that cover in a bigger cover in the left hand lower corner of which the elector shall write his full name and of which the elector fails to write his full name and signature the voting paper shall be invalid.
- (5) A voting paper shall be invalid if the voter returns the voting paper otherwise than in the 'Identification Envelop' with the declaration thereon duly completed.
- (6) Every elector shall send his voting paper in a separate cover direct to the Returning Officer.
- (7) If the Returning Officer receives more than one voting paper from any elector, all such voting papers shall be invalid.
- (8) If more than one mark is placed before the name of any candidate the whole paper will be disqualified.
- (9) This paper must be folded 'Face Inwards' placed in the accompanying 'Identification Envelop' which must be securely closed and then placed in a covering envelop.



**FORM – D**

sub-rule (11) of rule 4

**FORM OF DECLARATION ON IDENTIFICATION ENVELOPE**

State Pharmacy Council of Sikkim I, (a) \_\_\_\_\_ of \_\_\_\_\_  
hereby declare that I am the person to whom the enclosed.

Voting paper was addressed, that I am registered Pharmacist (b) \_\_\_\_\_ and that I  
have not returned any other voting paper in this election.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Signed in presence of (c) \_\_\_\_\_

01. Signature \_\_\_\_\_

02. Signature \_\_\_\_\_

(a) Insert full name.

(b) Insert Register Number.

(c) There must be two witnesses.

**FORM – E**

See sub-rule (1) of 16

**FORM OF REGISTER OF PHARMACIST**

01. Serial Number.
02. Name in full.
03. Residential Address.
04. Date of first admission to the Register.
05. Qualifications for Registration.
06. Name of the Employer.
07. Professional Address.
08. Nationality.
09. Date of renewal of Registration.
10. Remarks (Note Removal or restoration of names with dated).

**FORM – F**

See sub-rule (1) of rule 17)

**SIKKIM PHARMACY COUNCIL**

This is to certify that \_\_\_\_\_ has been duly registered as a Registered Pharmacist in accordance with sub-rule (1) of rule 17 of the Sikkim Pharmacy Rules 2013 and is entitled to all the privileges granted under authority of the said Act to regulate the practice of Pharmacy in the State of Sikkim, being Act, No.8 of 1948 as amended.

In witness whereof are herewith affixed the Seal of the Sikkim Pharmacy Council and the signature of Registrar of the said Council.

Registration No. \_\_\_\_\_

Date of issue: \_\_\_\_\_

**SEAL**

**REGISTRAR**

**NOTE:** This certificate is the property of Sikkim Pharmacy Council is issued to the above named Pharmacist in accordance with sub-rule (1) of rule 17 of the Sikkim Pharmacy Council Rules 2013.

**NOTICE**

- 01 Every Registered Pharmacist should send to the Registrar immediately notice of any change in his registered address and also to answer all enquiries that may be sent to him by the Registrar in regard thereto, in order that his correct address may be duly inserted in the register of Pharmacist.
- 02 All persons who are registered as legally qualified for the practice of Pharmacy.
- 03 Every registered Pharmacist should renew his/her registration annually before the 1<sup>st</sup> day of April, every year according to the provisions of section 34 of the Pharmacy Act, 1948.

By Order  
\_\_\_\_\_

**FORM – G**  
(See sub-rule (1) of rule 18)

To,

The Registrar,  
State Pharmacy Council, Sikkim,  
Gangtok.

Sir,

- 01 I request that my name be registered as a Pharmacist under the Pharmacy Act, 1948 and that I may be furnished with a certificate of Registration.
- 02 Necessary particulars are given on the reverse of this application.
- 03 I enclosed herewith for your perusal and return the certificates in original and their copies for record in your office.
- 04 I hereby declare that I have read carefully and understand the instructions and particulars supplied to me and that all entries on the reverse of this application are true to the best of my knowledge and behalf.
- 05 I agree that I will follow the rules of the Pharmacy Council which may be laid down for the guidance of the registered Pharmacists from time to time.

Yours faithfully,

Address  
Dated:

**INSTRUCTIONS**

- (1) All particulars of the application must be filled in by the applicant in neat legible hand.
- (2) The names and particular entered in this application must exactly correspond with the name and particulars of the applicant entered at the University of other examination.
- (3) Registration fee of ₹1000/- should be sent to the Registrar by money order or handed in person. The Registration fee is not refundable whether the application for registration is accepted or rejected.
- (4) Under the Pharmacy Act, 1948 as it stands at present only persons who have passed the Matriculation or its equivalent examination are eligible for Registration.
- (5) Copies of Sections 31, 32 and 41 of the Pharmacy Act are attached with this application for the information of the applicant.
- (6) A copy of sub-rule (1) and (2) of rule 37 re-renewal of Registration is attached for information.

01. Name in full.
02. Father's Name.
03. Place and date of birth (proof of age to be attached)
04. Nationality.
05. Permanent residential address.
06. Address of the Hospital, Dispensary or other place in which employed at present.
07. Year of passing the Matriculation Examination of Examination prescribed as being equivalent to Matriculation Examination (Kindly attach original certificate with a copy).

08. Description of qualification as a Pharmacist (Kindly attach original certificate with a copy).
09. Name of the Examining body.
10. Name of the Institution under which training undergone.
11. Year of Passing Examination.

Signature

## **THE PHARMACY ACT, 1948**

### **SECTION 31: QUALIFICATIONS FOR ENTRY ON FIRST REGISTER.**

A person shall be entitled on payment of the prescribed fee to have his name entered in the first register if he resides, or carries on the business or profession of pharmacy in the State and if he -

- (a) holds a degree or diploma in Pharmacy or Pharmaceutical Chemistry/ or chemist and druggist diploma of an Indian University of a State Government, as the case may be, or a prescribed qualification granted, by an authority outside the State of India, or
- (b) holds a degree of an Indian University other than a degree in Pharmacy or Pharmaceutical chemistry, and has been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescriptions of medical practitioners for a total period of not less than three years, or
- (c) has passed an examination recognized as adequate by the State Government for compounders or dispensers, or
- (d) has been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescription of medical practitioners for a total period of not less than 5 (five) years prior to the date of notified under sub-section (2) of section 30.

### **SECTION 32: QUALIFICATION FOR SUBSEQUENT REGISTRATION.**

- (1) After the date appointed under sub-section (3) of section 30 and before the Education Regulations have, by or under section 11, taken effect in the State, a person shall on payment of the prescribed fee be entitled to have his name entered in the register if he resides or carries on the business or profession of Pharmacy in the State and if he -
  - (a) satisfies the conditions prescribed with the prior approval of the Central Council, or where no conditions have been prescribed the conditions entitling a person to have his name entered on the first register as set out in Section 31.
  - (b) is a registered Pharmacist in another State / or
  - (c) possesses a qualification on approved under Section 14.

**SECTION 41: PENALTY FOR FALSELY CLAIMING TO BE REGISTERED.**

- (1) If any person whose name is not for the time being entered in the register of the state falsely pretends that it is so entered or uses in connection with his name or title any words or letters, reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to 5 (five) extending to 6 (six) months or with fine not exceeding one thousand rupees or with both.

Provided that it shall be a defense to show that the name of the accused is entered in the Register of another State and that at the time of the alleged offence under this Section an application for Registration in the State and been made.

- (2) For the purposes of this section -
- (a) the use of the description "Pharmacist" "Chemist" "Druggist" "Pharmacist" "Dispenser" "Dispensing Chemist", or any combination of such words shall be deemed to be reasonably calculated to suggest that the person using such description is person whose name is for the time being entered in the Register of the province;
  - (b) the onus of proving that the name of a person is for the time being entered in the register of a state shall be on him who asserts it.
- (3) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by order of the State Government or the Executive Committee of the State Council.

**FORM - H**

(See sub-rule (6) of rule 18)

Application for registration of additional qualification.

To,

The Registrar,  
State Pharmacy Council, Sikkim.

Sir,

I beg to apply for the registration of the additional qualification \_\_\_\_\_ which I have obtained from \_\_\_\_\_ in \_\_\_\_\_. The Diploma or certificates of the qualifications are enclosed herewith. These may be returned as soon done with.

I am already registered under the Pharmacy Act, 1948, and my registration number is \_\_\_\_\_.

The prescribed fee of ₹1000/- is sent herewith dated the \_\_\_\_\_.

Yours faithfully,

**(SIGNATURE OF THE APPLICANT)**

**FORM - I**

(See sub-rule (7) of rule 18)

**REGISTRATION OF ADDITIONAL QUALIFICATION.**

(Under section 35 of the Pharmacy Act, 1948)

The additional diploma/ certificate appearing below have been names of Shri/Smt

Registration No. \_\_\_\_\_

Diploma or Certificate  
Already registered.

\_\_\_\_\_

Diploma or Certificate  
Now registered

\_\_\_\_\_

**FORM - J**

(See sub-rule (9) of rule 18)

**CERTIFIED COPY OF ENTRIES IN THE REGISTER.**

No. \_\_\_\_\_

Office of the Pharmacy Council of Sikkim

Certified to be true copy of the entry in the Pharmacy register of the name specified below:

Name	Address	Date of Registration	Qualification

**REGISTRAR**

N.B. This certified copy remain evidence of registration only until the publication of the printed Pharmacists Registration for 19. It is not nor must it be used as evidence of the identity of the holder with the person named therein.



**FORM - K**

(See sub- rule (7) of rule 21

Notice to a Pharmacist to attend proceedings for removal of his name from the Pharmacists register under Section 36 of the Pharmacy Act, 1948.

Sir,

On behalf of the Executive committee of the State Pharmacy Council of Sikkim. I give you notice that information and evidence have been laid before the Executive Committee by which the complainant make the following charges against, you, namely ( here not out the circumstances briefly) and that a professional respect.

Or that you were on the \_\_\_\_\_ day of convicted of the following offence at viz (not out particulars of the conviction.).

And I am directed further to give you notice that on the day of 19 a meeting of the Executive Committee will be held at O'clock in the to consider the above mentioned charges against you, and decide whether or not they should direct your name to be removed from the Register, pursuant to Section 36 of the Pharmacy Act, 1948. You are invited and required to answer in writing the above charges and to attend before the Executive Committee at the above mentioned place and time to establish any denial or defense that you may have to make up to the above mentioned charges and you are hereby informed that if you do not attend as required the executive Committee may proceed to hear and decide the said charges in your absence.

**FORM - L**

(See sub-rule (3) of rule 22)

Application for re-entry in the register of Pharmacists his name removed under Section 36.

To,

The State Pharmacy Council of Sikkim.

Sir,

I, the undersigned (a) holding the qualifications of (b) \_\_\_\_\_ do solemnly and sincerely declare the following.

In the year (c) my name was duly registered in the registered respect of the following qualification viz; (d) and on the date of era sure of my name was registered in respect of the following additional qualifications viz (e) - (f) The Registrar removed my name from the register on (f) for default in payment of renewal fee.

Since the removal of my name from the register, I have been residing at (g) and my occupation has been (h).

It is my intention if my name is restored in the register (i).

Declared at

on

Yours faithfully,

Witness (1)

Signature,

Address

Signature

Registration No.

- (a) Insert full name.
- (b) Insert qualifications
- (c) Insert date of Registration
- (d) Insert qualifications
- (e) Insert additional qualifications
- (f) Insert date of removal
- (g) State address.
- (h) Give particulars.
- (i) Insert particulars as to a proposed future professional
- (j) A registered Pharmacist.

**FORM - M**

(See sub-rule (6) of rule 22)

**CERTIFICATE IN SUPPORT OF APPLICATION.**

I hereby certify that the aforesaid applicant is the above specified whose name formerly stood in the register of Pharmacist under the Pharmacy Act 1948 with the following address and qualification.

Name:

Address:

Qualification:

Date:

Signature of the person

**FORM - N**

(See sub-rule (6) of rule 22)

Statutory declaration by applicant for restoration of name of the registered of Pharmacists under Section 36 of the Act.

To,

The State Pharmacy Council of Sikkim.

- (1) I, the undersigned (a) now holding the qualifications of (b) do solemnly and sincerely declare that the following are the facts of my case and in reason of which I seek re-entry of my name in the State Pharmacy Register.
- (2) In the year of (c) my name was duly registered in the Register in respect of the following qualification name (d) and on the date of the removal of my name herein after mentioned I was registered in respect of the same qualifications (e) and also in respect of the following additional qualifications, namely.
- (3) As an enquiry held on the (f) day of the Council directed my name to be removed from the register on a complaint made to the State Pharmacy Council by (g) of and the offence for which the Council directed the removal of my name was (h).
- (4) Since the removal of my name from the register I have been residing at (i) and my occupation has been.
- (5) It is my intention if my name is re-entered in the register (j).
- (6) The Ground of Application is (k).

Signed

Declared at \_\_\_\_\_ on \_\_\_\_\_ before \_\_\_\_\_ me.

Presidency Magistrate or Commissioner of Oaths or Justice of peace.

- (a) Insert full name
- (b) Insert qualifications if any
- (c) Insert date
- (d) Insert original qualifications.
- (e) To be to if necessary.
- (f) Insert date of inquiry
- (g) Insert name and address of the complaint
- (h) Insert charge on which name was removed.
- (i) The blank in this paragraph must be filled in accordance to circumstances.
- (j) Insert particulars as to proposed future professional occupations
- (k) All facts and grounds on which the application is made should be clearly and concisely stated.

**FORM - O**

(See sub-rule (6) of rule 22)

**CERTIFICATE IN SUPPORT OF APPLICATIONS**

I \_\_\_\_\_ of \_\_\_\_\_

certify as follows:

- (i) My registration No. is \_\_\_\_\_
- (ii) I have read paragraphs (4) and (5) of the application of \_\_\_\_\_ and say that I have been and am well acquainted with said \_\_\_\_\_ both before and since his name was removed from the register that I believe him to be now a person of good character and that the Statements in the said paragraphs are to the best of my knowledge information and belief true.

**DR. K. BHANDARI  
DIRECTOR GENERAL-CUM SECRETARY,  
DEPARTMENT OF HEALTH CARE, HUMAN SERVICES & FAMILY WELFARE  
GOVERNMENT OF SIKKIM  
GANGTOK**

11-11-11

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